



Handwritten notes: 4628, 47/3/03, 6 Reasons

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
John Hadfield et al.	§	
	§	Group Art Unit: 3625
Serial No.: 09/672,934	§	
	§	Examiner: Gart, Matthew S.
Filed: September 28, 2000	§	
	§	
For: SYSTEM DESIGN, PROPOSAL	§	Atty. Docket: 00AB183/YOD
AND PROGRAMMING METHOD	§	ALBR:0080
AND APPARATUS	§	

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below:	
June 23, 2003	<i>Helen Tinsley</i>
Date	Helen Tinsley

**RESPONSE TO OFFICE
ACTION MAILED MARCH 21, 2003**

Dear Examiner:

In the Office Action, the Examiner rejected claims 1-11, 20-25 and 31-46. Applicants, however, respectfully assert that these claims, as pending, are patentable and in condition for allowance. Accordingly, claims 1-11, 20-25 and 31-46 remain pending. Reconsideration and allowance are respectfully requested.

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Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-11, 20-25 and 31-46 under 35 U.S.C. § 102(e) as being anticipated by Nick (U.S. Pat. No. 6,003,012). Applicants, however, believe that the Examiner has improperly rejected the recited claims under § 102(e). In the instant case, the Nick reference issued on December 14, 1999, whereas the instant application was filed on September 28, 2000. Because the application was filed after the Nick reference issued, Section 102(e) does not apply. Rather, Applicants believe that the Examiner intended to reject the instant claims under Section 102(a). In any event, Applicants respectfully traverse the rejection.

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Applicants respectfully assert that the cited reference does not show all recitations of the rejected claims.

Independent Claim 1 and the Claims Depending Therefrom

Independent claim 1 recites, *inter alia*, “configuring memory objects within the devices based upon the database.” Applicants respectfully assert that the cited reference does not disclose these features. In contrast, the Examiner contends that these features are taught by Figure 10 of the cited reference and more particularly by column 19, lines 46-67. *See* Paper No. 5, page 2. A review of the cited section, however, demonstrates that neither this section nor the remainder of the Nick reference discloses these recited features.

Even if one were to assume, *arguendo*, that the cited section teaches databases 228 and 229 that contain the appropriate type of data (i.e., device designation data), there is no reason to believe these databases are used in any way to configure memory objects

within the devices. Rather, as discussed below, the databases are employed solely in a product-ordering context. The first database, a product database 228, is taught as being accessed by a product selector program 223. *See id.*, column 19, lines 54-55. In operation, a sales engineer would access the product selector program to establish a switchboard configuration for a given client and to develop a quote. *See id.*, lines 53-55; *see also id.*, 58-63. Simply put, the first database 228 serves a catalog-like function.

Once this information (e.g. quote) is developed, it is passed on to a materials management program (MRP) 224. *See id.*, lines 65-66. The MPR is simply a program which manages a second database, that is an inventory database 229, to schedule the ordering of parts and the timing of manufacturing operations. *See id.*, column 20, lines 1-3. As is clearly seen, neither database 228 or 229 is in any way used to configure *memory objects within the devices.* Indeed, there is no reason to believe that the data within either database 228 or 229 is ever incorporated or employed by any of the devices or switchboard components. Rather, the databases 228 and 229 are used almost exclusively to facilitate the ordering and distribution of switchboards and switchboard components. In other words, the databases 228 and 229, at best, serve a catalog-like function for the sales of switchboards and are not involved in the configuring of such. Accordingly, there is no reason to believe the cited reference teaches the above-quoted features.

Because the cited reference fails to disclose each and every feature recited by the instant claim, Applicants respectfully assert that independent claim 1 and its respective dependent claims 2-11 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Independent Claim 20 and the Claims Depending Therefrom

Independent claim 20 recites, *inter alia*, “programming the programmable components based upon the database.” Applicants respectfully assert that the cited

reference does not disclose these features. The Examiner, however, again contends that these features are taught by Figure 10 of the cited reference and more particularly by column 19, lines 46-67. *See* Paper No. 5, page 4. A review of the cited section, however, demonstrates that neither this section nor the remainder of the Nick reference discloses these recited features.

As discussed above, the databases 228 and 229 of the cited reference are employed primarily for the purposes of ordering and inventory control. Thus, the databases provide, at best, a tool for improving the efficiency of sales engineers and shortening ordering times by providing updated inventory information. There is no reason to believe any of the data within the either database is ever employed to *program* any sort of *programmable device*. Accordingly, there is no reason to believe the cited reference teaches the above-quoted features.

Because the cited reference fails to disclose all of the features recited by the instant claim, Applicants respectfully assert that independent claim 20 and its respective dependent claims 21-25 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Independent Claim 31 and the Claims Depending Therefrom

Independent claim 31 recites, *inter alia*, “a component programming module adapted to access data from the database and to *download the data* into each *programmable component*.” Applicants respectfully assert that the cited reference does not disclose these features. The Examiner, however, again contends that these features are taught by Figure 10 of the cited reference and more particularly by column 19, lines 46-67. *See* Paper No. 5, page 5. However, Applicants again assert that neither this section nor the remainder of the Nick reference discloses these recited features.

As discussed above, the databases 228 and 229 are not employed in any way to *download data into each programmable component*. That is, the data within the databases provide absolutely no input to any such programmable components. Again, the cited reference merely discloses databases which facilitate inventory control and serve catalog-like functions. Accordingly, to assume that the databases are in any way related to the *downloading of data* into any such programmable components would be to read into the reference teachings that are simply not disclosed.

Because the cited reference fails to disclose all of the features recited by the instant claim, Applicants respectfully assert that independent claim 31 and its respective dependent claims 32 and 33 are patentable over the cited reference. Reconsideration and allowance are requested.

Independent Claim 34 and the Claims Depending Therefrom

Independent claim 34 recites, *inter alia*, “configuring memory objects within the devices based upon the database.” As discussed above with regards to claim 1 for a similar recitation, the cited reference does not disclose these features. Indeed, the databases 228 and 229 of the cited reference are merely catalog-like inventory control tools. There is no reason to believe that the databases could or would even contain data suitable to *configure memory objects within the devices*. At any rate, the reference does not support the position that such configuration is performed.

Because the cited reference does not disclose all of the features recited by the instant claim, Applicants respectfully assert that independent claim 34 and its respective dependent claims 35-41 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Independent Claim 42 and the Claims Depending Therefrom

Independent claim 42 recites, *inter alia*, “programming the programmable components based upon the database.” As discussed above with regards to claim 20 for a similar recitation, the cited reference does not disclose these features. Again, the databases 228 and 229 are simply used to control inventory and to assist sales engineers. There is no reason to believe the database could or would be used to *program programmable components*.

Because the cited reference does not disclose all of the features recited by the instant claim, Applicants respectfully assert that independent claim 42 and its respective dependent claims 43-46 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.